n the UK, prosecution rates for corrupt acts and perceived levels of corruption are both low by international comparison. An audit into the nature and extent of corruption in the UK, conducted by the non-governmental organisation Transparency International UK (TIUK) and published in 2011, however, concluded that the problem of corruption within the public sector, and of the risks posed by the relationship between corruption and organised crime more particularly, had been underestimated and insufficiently explored by official bodies and independent experts alike. A key concern motivating the audit was the potential impact upon the effectiveness of UK public bodies to counter corruption of major cuts to public sector funding that have been introduced nationally over the past two years. Alongside reviewing the types of corruption found within the National Health Service, social housing services, and public sector procurement practices, the report considered the challenges of corruption being experienced by different component bodies within the criminal justice system. As well as noting problems being faced by the police and the judiciary in combating corruption, the report drew uncommon attention to the predicament of prisons. It was argued that prisons in Britain manifest significant vulnerabilities to corruption: the risk of non-prison officer staff becoming involved in corrupt acts; the risk that performance measurement targets for prison officer staff might stimulate demand for corruption (both amongst prison staff and between prison staff and inmates); and what is described as the risk of a “symbiotic relationship” forming between organised crime groups with imprisoned group members and corruption taking place within prisons.

With a view to contributing to an incipient debate about the way in which criminal justice policy might appropriately rise to the challenges set out by the TIUK report, this policy paper draws on an assessment of British, regional and international experiences of the problems of, and policies against, corruption and organised crime. The text below represents an attempt to help conceptualise the risks that could be posed by organised crime to UK public bodies through the use of corruption, to discuss factors that affect accurate assessment of the actual level of risk today, and to consider which counter-measures could be helpful to combatting the dual challenge of organised crime and corruption.

**Conceptualising the potential challenges posed by organised crime to UK public bodies through the use of corruption**

Official portrayals of the risk posed by organised crime to the public sector have predominantly focused on the impact of groups working in the black economy seeking to facilitate their operations by corrupting public officials through offering bribes, blackmailing, possibly threatening violence, and infiltrating public bodies. Third-party individuals or organisations working primarily or substantially in the legal economy have also been acknowledged to play a role—whether unwittingly or unwittingly—by transmitting information or money in or out of public bodies, and to and from organised criminal and corrupt networks. However, organised crime may also be perpetrated by groups that emerge from, and remain within the confines of, a public institution, where public servants have themselves instigated and are sustaining corruption and crime. Equally, the category of organised crime could be applied to the activities of unscrupulous private sector bodies operating in the legal economy but using illegal means to distort it, such as by offering bribes to well-placed officials in order to secure contracts, to defraud the public sector, and to either avoid prosecution or limit its potential reach and sanctions.

There appear to be three key ways in which the use of corruption by organised crime challenges UK bodies: by undermining crime control, by undermining state control of public bodies, and by undermining the broader functional purpose of public bodies. Public control of crime is challenged by the non-recording and mis-reporting of individual offences, and by the systematic provision of protection to organised illicit activities. Serious organised crimes pose immediate risks to health and lives, whether through the supply and use of weapons, drugs, or...
other consumables, or through practices of extortion, blackmail, and protection, for example, the USA. At the individual level, where the corruption of a public institution by organised crime has led to the infringement of an individual’s rights, trust in the institution may be damaged (in a case, for example, where violent extortion rings have been protected by corrupt public employees). This, in turn, may weaken the ability of public bodies tasked with combating organised crime and corruption to effectively carry out their work.

The use of corruption by organised crime undermines state control of public bodies by subverting accountable authority and the framework of regulations and rules that structure public bodies. Making them less accountable and more prone to human and material abuse, corruption leaves the public institution, and public sector more broadly, susceptible to significant material losses. Furthermore, failure to control organised crime groups risks cultivating locales where the state has less ability to effectively intervene or effectively manage the social, economic and political plight of such communities. In the case of prisons specifically, this could mean the risk of service provision being determined by organised crime groups. Any replication of intense forms of gang-led prisoner self-government, such as that which has been documented in the United States and is present in other prison environments around the world where practices of self-government by inmates are tolerated or exploited by authorities, certainly seems a remote prospect for the UK. It nevertheless remains a possibility that the provision of security, for example, could on a smaller scale be similarly determined by organised crime groups with the collusion of prison officers, rather than by a prison service accountable to a democratic government. Such a situation can be self-reinforcing by inducing prisoners to join or work for organised crime groups responsible for dispensing such services.

The use of corruption by organised crime threatens the broader functional purpose of public bodies by increasing public cynicism towards the effectiveness of those bodies reducing public support for them. This is especially risky during times of increasing socio-economic discontent, when public support for more extremist political parties and anti-state movements may increase. Moreover, the discrediting impact of corruption on a public institution may be used as a reason for closing the institution or reducing its remit and transferring all or some of its responsibilities to the private sector. Although research has found that privatised service in prisons does not necessarily lead to poorer service provision — competition provided by private sector institutions is perceived to have raised standards of management and conditions across the board — the culture and expectations of private suppliers may be literally or entirely foreign, and accountability and standards may be lower. Security safeguards are not simply jeopardised by the pressure to reduce costs, but also by the pressure of a ‘payment by results’ regime, the instigation of which may raise the risks of fraud and corruption as institutions strive to meet targets.

Alternatively, the discrediting impact of corruption upon a public institution may lead to a political decision to increase nominal civilian oversight of the institution, potentially opening the door to groups pursuing criminal or deviant agendas and providing them with direct access to public power in ways that may enable them to attempt to distort due process, such as by subverting the fair allocation of works contracts and weakening public sector accountability and oversight. The current proximity of such risks have been illustrated by a scandal that accompanied the introduction of elected police commissioners in England and Wales in 2012, in which a police commissioner candidate was alleged to have received substantial sums from a US-based think-tank known to support the privatisation of public services.

The severity of the threat

UK authorities have long perceived the use of corruption by organised crime to be a greater threat to the country than it takes place in other states with weaker authorities, where stronger relationships between the public sector and organised crime may have more severe and widespread repercussions. Indeed, the use of corruption by organised crime is more widely recognised to be a greater challenge to weaker states than to stronger states, such as the UK. One key area of anxiety that has related to risks emerging from the UK context has been the potential for convergence between organised crime groups and those involved in religious or politically-motivated violence, in which case the domestic risk of corruption would increase. At present, however, there appears to be little evidence available of such relationships forming in the UK, and it is not even clear how much corruption within the public sector can reasonably be associated with organised crime group activities.

There are evidently limits to what is known about corruption and the presence of organised crime by using the corruption by organised crime. One problem in attempting to answer the question of the severity of the threat posed is that it is only relatively recently that research and policy has sought to explore the relationship between organised crime and corruption in the country, so the exact dimensions of it remain unknown. Another limitation has been the narrow parameters of efforts to measure the threat posed. There have lately been greater efforts to treat organised crime and corruption as commonly interrelated problems in the UK. These efforts have focused on turning the tide by a focus overwhelmingly on groups working within the black economy or collaborating with public sector employees, sometimes with the assistance of knowing or oblivious third-party mediators. At risk of receiving insufficient attention have been organised crimes and corruption perpetrated by groups working in the light economy, wherein the value of the corrupt exchange and the associated cost to the public purse may be far higher. There are also well-known difficulties involved in researching such activities. In the case of corruption, for example, perceptions of corruption may be affected as much by direct experience as by local cultural attitudes towards issues of power and responsibility. This means that research across different institutions in different geographic locations is not necessarily directly comparable, nor may it even provide accurate representations of actual practice.

Nevertheless, the challenge posed by the use of corruption by organised crime to British public bodies is believed to have risen in the wake of changes to the national socio-economic environment and, relatively, from government policy priorities concerning retrenchment and private sector involvement in the public sector. On one hand, risks are thought to have intensified as a result of the socio-economic downturn experienced by the UK over recent months and years. In its 2012 strategy paper on organised crime, for example, the Home Office tentatively predicted the likelihood of an increase in the threat of organised crime groups attempting to use corruption — and, more particularly, to target prison staff and law enforcement in so doing — in order to facilitate criminal activities. This prediction seems to be related to a prior report by the Cabinet Office Strategy Unit stating that the economic downturn might exacerbate the risks of organised crime inflating the demand for public services by being able to exploit the consequent financial vulnerabilities of individual public servants.

On the other hand, governments have increasingly demanded cuts in spending...
from a range of public bodies that has weakened networked and individual me-
chanism of oversight, investigation, and prosecution of corruption. Plans have been
made to merge the Office of Fair Trading and the Competition Commission into a
new body: the Competition and Markets Authority. Responses to the Government’s
consultation process on the proposed mer-
ger indicated that those who used the sys-
tem were largely sceptical about the re-
forms, with the loss of a highly-valued w ” seek and pain” in the underwriting
wing authorities being deemed particularly
controversial.13 HM Revenue and Customs
has faced significant reductions of its se-
nor staff, a move which, according to their
union, would severely downgrade the abil-
ity of the organisation to combat complex
tax avoidance and evasion. As regards the
foreseen dissolution of the Financial Ser-
vice Authority, the Treasury Committee
warned in 2012 that the bodies subsequently expected to take over consu-
mer protection might be even weaker and
less accountable to parliament than their predecessor. And the budget of the Serious
Fraud Office fell from £52 million in 2008 to
£32 million in 2012.14

The experience of the primary national bodies tasked with combating corruption
within prisons has been similar. Although
only established in 2008, just two years la-
fter the budget of the Corruption Preven-
tion Unit (CPU) of the National Offender
Management Service (‘NOMS’), the organi-
sation responsible for the administration of the public prison service in England and
Wales, for the management of contracts with private prisons, and for the running of
the National Probation Service (NPS) was hal-
ved from around £700,000 to around
£350,000, and its personnel was reduced from
ten to five. In 2011, the Chief Execu-
tive of the Unit retired without being re-
placed, and the CPU became subsumed
within the Security Directorate of NOMS
as a national corruption prevention team.
Whilst each prison has a local corruption
prevention manager who is expected to
report to regional corruption prevention
managers, modes and levels of oversight and of
co-operation with law enforcement are not
uniform, and rather vary according to the
location and status of the institution (whether public or private). Furthermore,
recent years have seen the pressures of
monitoring corrupt practices intensify as the
institutional context for corruption by prison officers has significantly declined, as the number of
prison officers has seen little growth since the mid-1990s, whilst inmate numbers
have risen dramatically.15

Finally, there is concern that risks could be
being heightened by the expansion of
d privately sector participation in the provision
of public services. These risks are asso-
ciated with the financial drivers that are
private bodies that may lead them to at-
tempt to subvert fair and proper processes and
to maintain weaker oversight and ac-
countability mechanisms (such as lower
standards of vetting and training staff)
than are characteristically expected to be in
place in the public sector. Taking the
example of private prisons in the US, for
instance, institutional logics requiring con-
sistence of occupancy rates have led pri-
ivate providers to seek to distort fair pro-
cess accordingly, employing both legal, and
illegal, means of doing so. In 2012, it was
revealed that the Corrections Corporation
of America had lobbied to take over the
 provision of imprisonment in 48 states in
exchange for a contractual agreement from
those states guaranteeing 90% occupancy of
those prisons for the next twenty
years.16 Meanwhile, in 2011, saw the senten-
cing of two Pennsylvanian judges who, af-
ter having played a part in closing the pu-
blcly run detention centre of their county
in the early 2000s, had proceeded to sys-
tematically subvert the judicial process in ex-
change for bribes from profit-making juve-
nile detention centres, in order to supply
them with a steady stream of children.17

As regards oversight and accountability,
private businesses and civil society associa-
tions may be more vulnerable to hijacking
or manipulation by crime groups due to
weaker vetting, training, and audit me-
chanisms. Controversies relating to the
funding source of public organisations are
likely to become more complex as public
institutions grow more enwined with pri-
ate and third sector bodies, such as
through the appointment of publicly-
elected police commissioners and the ex-
panision of private and third sector in-
volve ment in the management and running
of prisons. Not only can illegitimate or ille-
gal practices committed at higher manage-
rial levels from private and third sector
bodies raise serious implications for the
maintenance of public trust. Throughout
public systems of justice and law enforce-
ment, they may also, crucially, risk prov-
koking dispersed acts of corruption and
crime lower down the institutional frame-
work by fuelling cynicism and disaffection
amongst staff.

Combating the dual challenge

In the effort to erect suitable measures to
effectively tackle the challenges posed by
organised crime to the public sector via
corruption, lessons can be sought from
other institutional and environmental set-
tings. Yet the phenomena of corruption and
organised crime and the means of ef-
fectively countering them are not neces-
sarily comparable across different sectors and
countries. For example, the hiring of
women as a means of countering corruption
in the workforce has attracted adhe-
rents amongst some police forces inter-
nationally: research has found female public
servants less likely to accept bribes than
their male counterparts, especially in
regions in which bribery is already stigmatised,
and this knowledge has led police forces in
Mexico and Peru, for example, to hire
more women with a view to lowering le-
vels of corruption within these forces.18

Within prisons, by contrast, the protracted
contact typically experienced between in-
mates and prison officers negates the po-
tential of an anti-corruption gender divi-
dence. Women are also less likely to
manifest susceptibility to the develop-
ment of improper staff-inmate rela-
tionships that can lead to exploitation,
blackmail and corruption.19

There may, nonetheless, be some lessons
that are transferable. At the level of indi-
viduals, whistleblower protection is an im-
portant prerequisite for the effectiveness of
law enforcement action against organ-
ised crime, and appears to be equally
valuable to countering corruption in various
institutional settings. Rotation is another
strategy that is valued internationally for its
role in helping to reduce vulnerability to-
wards corruption amongst front-line law
enforcement officers, and is a strategy
whose usefulness might also be replicable
elsewhere in the criminal justice system.

At the institutional level, bodies with ge-
neral rules regarding standards of integrity
have been found to achieve better all-
round compliance than those with long
lists of specific rules.20 Regulation is also
known to be more effectively policed by
multiple agencies, and it is therefore more
desirable for strategies to be formulated
around networks of agencies rather than
around just one or a few institutions, in or-
der to maximise regulatory strength.21 This
is possibly self-evident, but has also been
shown to be crucial in uncovering cases in
which corruption or other illegality is being
practiced by a group within a public sector
institution itself.

At the political level, appreciation
amongst legislators of the broader impor-
tance of controlling public sector corrup-
tion may be organised around the formu-
lation of effective counter-measures. Political

13 https://www.competitionpolicyinternational.com/the-
competition-authority-a-new-era-for-u-k-competition-law-enforcement.
Delivering the UK National Fraud Strategy within Competing Police Policies, Priorities, Public Money &
Management, 33, 2, 145-152.
15 See further LIEBLING A., PRICE D., SHEPHER G.,
Privatisation Fuelling the Prison Industrial Complex,
17 Ibid.

Page 3

Page 3

Helen Arnold (révisée par Renée Zauberman)

Sappho XENAKIS (sappho.xenakis@cesdip.fr)


23 XENAKIS S., IVANOV K., 2013.

24 GLOBAL COMMISSION ON DRUGS POLICY (GCDP), 2011, War on Drugs: Report of the Global Commission on Drugs Policy, Rio de Janeiro, GCDP.


